

**DURHAM, NORTH CAROLINA
TUESDAY, JANUARY 16, 2001
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Absent: Council Member Stith.

Also present: Interim City Manager Greg Bethea, Assistant City Attorney Karen Sindelar, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, Council Member Blyth congratulated Police Chief Teresa Chambers for the national recognition she received for being quoted in the *Providence Journal*.

Council Member McKissick gave an update on the work being done by Triangle J Council of Governments Legislative Committee concerning the collective legislative agendas.

Mayor Pro Tempore Clement thanked the community for their participation during the Martin Luther King, Jr. celebration.

Council Member Jacobs congratulated Elna Spaulding and TROSA for receiving the "Keeper of the Dream" Award.

Mayor Tennyson announced that he will be attending the U. S. Conference of Mayors Meeting in Washington, DC on tomorrow.

Mayor Tennyson asked for priority items. Interim City Manager Greg Bethea requested that Consent Item 20 a. [Bid - Estimated Two-Year Requirements For On-Road And Off-Road Diesel Fuel (Transport Load)] be referred to the administration. [NO PRIORITY ITEMS FROM CITY ATTORNEY AND CITY CLERK].

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

No items were pulled from the Consent Agenda.

Council Member Cheek stated that he would be abstaining from voting on Consent Item #1 [Raleigh-Durham Airport Authority - Mayor's Nominee For Re-Appointment] due to his employment relationship with the Raleigh-Durham Airport Authority.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the Consent Agenda as amended was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek,

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Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff.
Noes: None. Absent: Council Member Stith.

[CONSENT AGENDA]

SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY - MAYOR'S NOMINEE FOR RE-APPOINTMENT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the Mayor's nomination of **Robert D. Teer, Jr.** for re-appointment to the Raleigh-Durham Airport Authority for a term to expire January 1, 2003 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Abstention: Council Member Cheek. Absent: Council Member Stith.

NOTE: Council Member Cheek abstained from voting on this item because of his work relationship with the Raleigh/Durham Airport Authority.

SUBJECT: DURHAM COUNTY PROPERTY REVALUATION UPDATE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Finance Department and Durham County on the octennial property revaluation was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: WELFARE TO WORK PROGRAM QUARTERLY UPDATE FOR YEAR 2000-01

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive the Welfare to Work Program update was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: CENTRAL DISTRICT PROPOSAL FOR POLICE DEPARTMENT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive the Police Department's report and to support the establishment of the Central District as proposed was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

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**SUBJECT: BUDGET ORDINANCE AMENDMENT #4 AND TRANSIT GRANT PROJECT
ORDINANCE AMENDMENT**

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt "An Ordinance Amending the 2000-01 City of Durham Budget Ordinance, the Same Being Ordinance #12001"; and

To adopt a "City of Durham Grant Project Ordinance Superseding Grant Project Ordinance #11761 FY 1999-2000 Transit Section 9 Capital Grant" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12147

Ordinance #12148

SUBJECT: CITIZENS ADVISORY COMMITTEE - REMOVAL OF MEMBER

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to remove **Scott McGregor** from the Citizens Advisory Committee due to attendance requirements was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: LIVE FIRE TRAINING EXERCISES - 715 RUTHERFORD STREET

a. Approval for Burning of Structure at 715 Rutherford

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the Fire Department's request to burn the structure located at 715 Rutherford Street for a live fire training exercise was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

b. Policy for Live Fire Training Exercises

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the Administration to conduct live fire training exercises in accordance with the "Acquiring Structures for Live Fire Training Policy" approved by City Council February 4, 1991 and as amended, and with the deletion of Section "D" regarding City Council's approval and the relettering of Section "E" to Section "D" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs,

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Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: FIRE LANE DESIGNATION ON PRIVATE PROPERTY - COSTCO WHOLESALE - 1510 NORTH POINTE DRIVE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt "An Ordinance to Designate Fire Lane on Private Property Devoted to Public Use under the Authority of Durham City Code Section 20-190, Category XVII. Fire Lanes on Private Property Devoted to Public Use" to include designated areas at Costco Wholesale, 1510 North Pointe Drive was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12149

SUBJECT: PROPOSED ACQUISITION OF PROPERTY LOCATED AT 4022 HOLDER ROAD FOR THE NORTHERN DURHAM PARKWAY (NORTHEAST LOOP) - BRYANT ROBERTS

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to find that the Northern Durham Parkway is 100% necessitated by new construction and that up to 50% of the capital costs of that project may be paid by impact fees collected within the same zone and collected for the same purpose; and

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, as Amended, the Same Being Ordinance #12083"; and

To approve the acquisition of property located at 4022 Holder Road, Tax Map 682-01-001, property of Bryant Roberts, for \$24,800.00 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12150

SUBJECT: ADDITIONS TO EXISTING DRAINAGE IMPROVEMENT CONTRACTS - R & G CONSTRUCTION COMPANY - HOLMES CONTRACTING, INC.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute amendments to existing contracts with R & G Construction Company (Contracts 2000-01 and 2000-02) and Holmes Contracting, Inc. (Contract 2000-03) to add additional projects; and

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To authorize the expenditure of up to \$197,000 from the Stormwater Utility Account was approved at 7:12 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH C.A.I. GROUP III, LLC - CAROLINA POINTE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a Water and Sewer Extension Agreement with C.A.I. Group, III, LLC to extend City water and sewer to serve Carolina Pointe, a ±2 acre office development located at the northeast corner of NC 54 and Farrington Road was approved at 7:12 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH SOUTHPARK OFFICE PARTNERS, LLC - SOUTHPARK AT 54

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Southpark Office Partners, LLC to extend City water and sewer to serve Southpark at 54, a ±4.45 acre office development located at the northeast corner of NC 54 and Southpark Drive was approved at 7:12 p.m. by the following vote:
Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: CONTRACT SW-7 - SIDEWALK CONSTRUCTION ALONG NORTH ELIZABETH STREET, LYRIC STREET, DOWD STREET, LIBERTY STREET AND SOUTH ELIZABETH STREET - BROWE CONSTRUCTION COMPANY, INCORPORATED

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with Browe Construction Company, Incorporated in the amount of \$69,895 for Contract SW-7; and

To authorize the expenditure of up to \$87,500 from the Community Development Block Grant Fund was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

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SUBJECT: CONTRACT SW-8 - SIDEWALK CONSTRUCTION ALONG TAYLOR STREET, LAKEWOOD AVENUE, LINWOOD AVENUE AND BACON STREET - R & G CONSTRUCTION COMPANY, INCORPORATED

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with R & G Construction Company, Incorporated in the amount of \$119,445 for Contract SW-8; and

To authorize the expenditure of up to \$149,500 from the Community Development Block Grant Fund was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: SITE PLAN APPROVAL RUTH'S CHRIS STEAKHOUSE AT SOUTHPOINT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve a site plan for Ruth's Chris Steakhouse at Southpoint, submitted by John R. McAdams Company, Inc. on behalf of Preston Corners, LLC, consisting of a one-story 11,950 square foot, 328-seat restaurant and 82 parking spaces on a ±1.93 acre site zoned Neighborhood Commercial (D) and Falls/Jordan-B watershed overlay and located east of NC 751, south of I-40, on Leonardo Drive, north of Renaissance Parkway (Tax Map #503-1-1H, PIN #0718-03-23-4258) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: SITE PLAN APPROVAL - DUKE UNIVERSITY CENTER FOR HUMAN GENETICS

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve a site plan for Duke University Center for Human Genetics, submitted by John R. McAdams Company, Inc., on behalf of Duke University, consisting of a four-story, plus basement, 106,300 square foot building consisting of office, warehouse and laboratory uses, on a ±2.59 acre portion of the Duke campus, zoned R-10 and located south of Erwin Road, east of LaSalle Street (private) and west of Research Drive (private), (Tax Map #106-1-1 [part]; PIN #0811-1-66-2281 [part]) was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: RESOLUTION HONORING WILLIAM V. BELL

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MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Honoring William V. Bell" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Resolution #8731

SUBJECT: RESOLUTION MEMORIALIZING FRANK G. BURNETT

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a "Resolution Memorializing Frank G. Burnett" was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Resolution #8732

SUBJECT: BID REPORT - NOVEMBER 2000

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to approve and record in the minutes the following bids and items which were acted upon the City Manager during the month of November 2000 was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

CITY OF DURHAM NORTH CAROLINA

December 21, 2000

MEMO TO: Gregory A. Bethea
Interim City Manager

THROUGH: Navdeep S. Gill
Finance Director

THROUGH: Kenneth C. Pennoyer
Assistant Finance Director

FROM: Joseph W. Clark
Purchasing Manager

SUBJECT: Bid Report

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To approve and record in the minutes bids which were acted upon by the City Manager during the month of **November 2000**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

1. Bid: Traffic Thermoplastic Line Removal and Installation

Purpose of Bid: To remove and install yellow and white thermoplastic traffic line markings

Comments:

Opened: October 16, 2000

Bidders:	Clark Pavement Apex, NC	*\$59,150.40
	Roadmark Corporation Durham, NC	\$85,194.80

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Clark Pavement Markings, Inc. of Apex, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms available to provide this product.

The workforce statistics for Clark Pavement Markings, Inc. are as follows:

Corporate

	1999		2000	
Total Workforce	42	Total Workforce	48	
Total Females	4 10%	Total Females	5 10%	
Total Males	38 90%	Total Males	43 90%	
Black Males	6 13%	Black Males	6 13%	
White Males	10 24%	White Males	12 25%	
Other Males	22 52%	Other Males	25 52%	
Black Females	1 0%	Black Females	2 4%	
White Females	3 6%	White Females	3 6%	
Other Females	0 0%	Other Females	0 0%	

Location Performing on Contract - Apex, North Carolina

	1999/2000
Total Workforce	13
Total Females	4 0%

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Total Males	13	100%
Black Males	2	0%
White Males	4	10%
Other Males	7	90%
Black Females	0	0%
White Females	0	0%
Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

2. Bid: Sixty GISmo 2.5 Software Licenses

Purpose of Bid: To provide the TS Department with sixty GISmo 2.5 Software Licenses

Comments: Geographic Technologies Group, Inc., is the sole source provider for this product.

Opened: November 3, 2000

Bidders: Geographic Technologies Group, Inc. * \$18,000.00
Goldsboro, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	13		# Black Males	0	0%
Total # Females	4	31%	# White Males	9	69%
Total # Males	9	69%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	4	31%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: Firefighter Boots

Purpose of Bid: To provide the Fire Department with 160 pairs of leather fire resistant waterproof boots.

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Opened: October 23, 2000

Bidders:	Tarheel Emergency Sales Statesville, NC	* \$24,480.00
	Action Fire & Safety Charlotte, NC	\$25,414.40
	Metro Fire & Safety Durham, NC	\$26,720.00
	Stevens Fire Equipment Morganton, NC	\$27,670.40
	Newton's Fire & Safety Swepsonville, NC	\$28,691.20
	C.W. Williams & Co. Rocky Mount, NC	\$29,259.20

*Awarded based on: ☒ Low Bid ☐ Other

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

4. Bid: Skid Steer Loader

Purpose of Bid: To provide the Plant Engineering & Maintenance division with a Skid Steer Loader.

Comments:

Opened: November 22, 2000

Bidders:	Triangle Equipment Company Raleigh, NC	* \$18,795.00
	Senter Tractor Company Raleigh, NC	\$20,594.00
	Briggs Equipment Raleigh, NC	\$27,082.00

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*Awarded based on: ☒ Low Bid ☐ Other

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	19		# Black Males	2	11%
Total # Females	5	26%	# White Males	12	63%
Total # Males	14	74%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	5	26%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

5. Bid: One Vibratory Trench Roller

Purpose of Bid: To provide the Water & Sewer Maintenance Division with a Vibratory Trench Roller.

Comments:

Opened: November 22, 2000

Bidders:	United Rentals	* \$26,900.00
	Durham, NC	
	Prime Equipment Company	\$27,016.73
	Durham, NC	
	Neff Rental	\$27,577.64
	Durham, NC	
	CCS Equipment Sales	\$28,194.09
	Youngsville, NC	
	North Carolina Equipment Company	\$31,598.00
	Raleigh, NC	

*Awarded based on: ☒ Low Bid ☐ Other

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	15		# Black Males	4	26.67%
Total # Females	2	13.33%	# White Males	9	60.00%
Total # Males	13	86.67%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	13.33%
			# Other Females	0	0%

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Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

6. Bid: Traffic Signal Aerial Bucket Truck

Purpose of Bid: To provide the Traffic Signal division of the Public Works Department with a Traffic Signal Aerial Bucket Truck.

Comments: The bid from Baker Equipment does not meet the specification in the area of multiple control leavers at the platform. Altec Industries is the low responsive bidder meeting the minimum specifications.

Opened: October 3, 2000

Bidders:	Baker Equipment (Does not meet specifications)	\$76,909.00
	Richmond, VA	
	Altec Industries	* \$82,014.00
	Birmingham, AL	

*Awarded based on: _____ Low Bid **X** Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Altec Industries, Inc. of Birmingham, AL to determine compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms to provide this product.

WORKFORCE STATISTICS

The workforce statistics for Altec Industries, Inc. are as follows:

Location Performing on Contract
Birmingham, AL

	1999			2000	
Total Workforce	475		Total Workforce	497	
Total Females	92	19%	Total Females	101	20%
Total Males	383	81%	Total Males	396	80%
Black Males	96	0%	Black Males	106	21%
White Males	282	83%	White Males	284	57%
Other Males	5	0%	Other Males	6	1%
Black Females	25	0%	Black Females	30	7%
White Females	61	17%	White Females	65	13%
Other Females	6	0%	Other Females	6	1%

Performance Bond: **X** Waived _____ Not Waived _____ Not Required

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7. Bid: One Directional Sweeper

Purpose of Bid: To purchase a small directional street sweeper for the Street Maintenance division.

Comments:

Opened: November 21, 2000

Bidders:	Prime Equipment	* \$19,695.74
	Durham, NC	
	Neff Rentals	\$19,956.81
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	1,172		# Black Males	58	5%
Total # Females	133	11%	# White Males	907	77%
Total # Males	1,039	89%	# Other Males	74	6%
			# Black Females	6	1%
			# White Females	118	10%
			# Other Females	9	1%

LOCATION OF PERFORMING CONTRACT
Durham, NC

Total Workforce	20		# Black Males	3	15%
Total # Females	1	5%	# White Males	16	80%
Total # Males	19	95%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	5%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

8. Bid: Weaver Street Recreation Center Asbestos and Lead Abatement

Purpose of Bid: To contract for the removal of asbestos and lead in the Weaver Street Recreation Center.

Comments: Bids were solicited by the Property and Facilities Management

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Department.

Opened: October 31, 2000

Bidders:	A.B. Control, Inc.	*	\$11,385.00
	Cary, NC		
	Neo Corporation		\$13,369.00
	Durham, NC		
	Contaminant Control		\$14,750.00
	Wilmington, NC		
	Bar-Lyn Enterprises, Inc.		\$17,225.00
	Durham, NC		
	Enpuricon, Inc.		\$32,475.00
	Apex, Inc.		

*Awarded based on: ☒ Low Bid _____ Other

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by AB Control, Inc. of Cary, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

M/WBE REQUIREMENTS

There were no goals set for this project. However, AB Control, Inc. will subcontract 13% to Carolina Environmental, Inc., a certified WBE.

WORKFORCE STATISTICS

Consolidated Corporate statistics for AB Control Inc. are as follows:

Total Workforce	5	
Total # Females	1	20%
Total # Males	4	80%
Black Males	0	0%
White Males	2	40%
Other Males	2	40%
Black Females	0	0%
White Females	1	20%
Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

9. Bid: Six Motorola Astro Spectra Motorcycle Radios

Purpose of Bid: To provide the Police Department with Motorcycle Radios.

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Comments: Motorola is the sole source for radios compatible with the City's 800 MHz radio system.

Opened: November 3, 2000

Bidders: Motorola, Inc. * \$22,410.00
Durham, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Motorola Inc of Durham, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms available to provide this product.

The workforce statistics for Motorola, Inc. are as follows:

Total Workforce	397	
Total # of Females	71	18%
Total # of Males	326	82%
Total # of Black Males	34	9%
Total # of White Males	268	68%
Total # of Other Males	24	6%
Total # of Black Females	13	3%
Total # of White Females	46	12%
Total # of Other Females	10	3%

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

10. Bid: One Used Vehicle

Purpose of Bid: To provide the Police Organized Crime Division with a vehicle to be used in their operations.

Comments:

Opened: November 3, 2000

Bidders: Thumbs Up Auto Sales * \$17,400.00
Charlotte, NC
Autopark Chrysler Plymouth \$17,980.00
Cary, NC

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*Awarded based on: ☒ Low Bid _____ Other _____

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	10		# Black Males	2	20%
Total # Females	2	20%	# White Males	6	60%
Total # Males	8	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	20%
			# Other Females	0	0%

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

11. Bid: Contract for Engineering Design of Shoccoree Bridge

Purpose of Bid: This is a professional services contract to provide for the preparation of plans and specifications for the repair of Shoccoree Bridge. Shoccoree Bridge is located on Shoccoree Drive, off of Cole Mill road near Interstate 85. The bridge was identified by inspection to be substandard. The Shoccoree Bridge spans the only public access into this neighborhood.

Comments: The Public Works Department has deemed this as an emergency.

Opened: October 5, 2000

Bidders: KO & Associates, P.C. * \$10,500.00
Raleigh, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by KO & Associates, P.C., of Raleigh, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

This was not a competitive process. KO & Associates, P.C., was chosen because their firm did the inspection on the bridge to determine that it was in need of repairs.

The Consolidated Corporate workforce statistics for KO & Associates, P.C., are as follows:

Total Workforce	21	
Total # of Females	3	14%
Total # of Males	18	86%

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Total # of Black Males	0	0%
Total # of White Males	17	81%
Total # of Other Males	1	5%
Total # of Black Females	0	0%
Total # of White Females	3	14%
Total # of Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

12. Bid: Contract Extension - To provide janitorial services at the South Durham WRF

Purpose of Bid:

Comments: Living Wage Ordinance #11333 is a part of this contract.

Opened: March 9, 1999

Bidders:	Staunton Sales, Inc.	*\$1,543.55/month
	Durham, NC	\$18,522.60/year

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	37		# Black Males	17	45.99%
Total # Females	17	45.95%	# White Males	3	08.00%
Total # Males	20	54.05%	# Other Males	0	0%
			# Black Females	15	40.54%
			# White Females	2	05.41%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

SUBJECT: BID - ESTIMATED TWO-YEAR REQUIREMENTS FOR ON-ROAD AND OFF-ROAD DIESEL FUEL (TRANSPORT LOAD) - COUCH OIL COMPANY OF DURHAM, INC.

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To accept the bid from Couch Oil Company of Durham, Inc. in the amount of \$994,075 for furnishing the City with its estimated requirements for on-road and off-road diesel fuel (transport load); and

To authorize the City Manager to enter into a contract with Couch Oil Company of Durham, Inc. in the amount of \$994,075 for providing the City with its estimated requirements for on-road and off-road diesel fuel (transport load); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to refer this matter to the administration was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: BID - CONTRACT EXTENSION FOR ESTIMATED ANNUAL REQUIREMENTS FOR AGGREGATES - HANSON AGGREGATES

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to extend the contract with Hanson Aggregates in the amount of \$231,650 for aggregates delivered (Section I), aggregates/customer pickup (Section II) and special aggregates delivered (Section III); and

To authorize the City Manager to enter into a contract with Hanson Aggregates in the amount of \$231,650 for aggregates delivered (Section I), Aggregates/customer pickup (Section II) and special aggregates delivered (Section III); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: PARKING - BROADWAY STREET

1) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance to repeal the following ordinances was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs,

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Langley, Larson, McKissick and Wagstaff. Noes: None.
Absent: Council Member Stith.

- a) Ordinance #7013, adopted July 28, 1986, prohibiting parking on the south side of Broadway Street in the area beginning at a point 103 feet east of the east curb line of North Street, if extended, and extending for a distance of 47 feet eastwardly; and
- b) Ordinance #7027, adopted July 28, 1986, prohibiting parking on the south side of Broadway Street between the hours of 7:00 a.m. and 6:00 p.m. in the area beginning at the west curb line of North Street, if extended, and extending for a distance of 103 feet eastwardly.

Ordinance #12151

- 2) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance to prohibit parking on the south side of Broadway Street in the area beginning at a point 66 feet east of the west curb line of North Street, if extended, and extending for a distance of 84 feet eastwardly was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12152

SUBJECT: PARKING - MASONDALE AVENUE

- 1) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance to repeal Ordinance #5042, adopted December 4, 1978, which established no parking on the north side of Masondale Avenue between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, in the area beginning at a point at the east curb line of Roxboro Street, if extended, and extending from that point eastwardly for a distance of 784 feet was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12153

- 2) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance to establish handicap parking on the north side of Masondale Avenue in the area beginning at a point 304 feet west of the west curb line of Pekoe Street, if extended, and extending for a distance of 27 feet westwardly was approved at 7:12 p.m. by the following vote:

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Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12154

- 3) **MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance to prohibit parking as follows was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

- a) on the north side of Masondale Avenue between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, in the area beginning at the west curb line of Pekoe Street, if extended, and extending for a distance of 304 feet westwardly; and
- b) on the north side of Masondale Avenue between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, in the area beginning at a point 331 feet west of the west curb line of Pekoe Street, if extended, and extending for a distance of 514 feet westwardly.

Ordinance #12155

SUBJECT: STOP SIGN - FRAZIER FOREST III SUBDIVISION

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of a stop sign on Sidneys Way at Glenrose Drive, northeast corner was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12156

SUBJECT: STOP SIGNS - MAGNOLIA PLACE SUBDIVISION

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

- 1) Oleander Drive at Carnation Drive, southeast corner;
- 2) Cherry Blossom Drive at Belleflower Drive, southeast corner;

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- 3) Cherry Blossom Drive at Appling Way, northwest corner;
- 4) Blossomwood Drive at Magnolia Oak Place, west corner;
- 5) Blossomwood Drive at Carnation Drive, southeast corner;
- 6) Carnation Drive at Page Road, south corner; and
- 7) Belleflower Drive at Magnolia Oak Place, northeast corner.

Ordinance #12157

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - AMERICAN DRIVE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance establishing a speed limit of 25 mph on American Drive beginning at the west curb line of Morreene Road, if extended, and extending northwestward to Neal Road was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12158

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - CENTERWAY DRIVE

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance establishing a speed limit of 25 mph on Centerway Drive from Randolph Road to end of City maintenance was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12159

SUBJECT: SEWER MAIN - ARDMORE DRIVE FROM THE EAST PROPERTY LINE OF TAX MAP 509-1-4 TO THE SOUTH PROPERTY LINE OF TAX MAP 509-2-3B - SETTING PUBLIC HEARING (ENABLING ACT AUTHORITY)

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution setting a public hearing on Monday, February 5, 2001 to consider ordering sewer main on Ardmore Drive from the east property line of Tax Map 509-1-4 to the south property line of Tax Map 509-2-3B under the Enabling Act Authority was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: SEWER MAIN - HADDON ROAD FROM THE WEST PROPERTY LINE OF TAX MAP 448-3-8 TO THE EAST PROPERTY LINE OF TAX MAP

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448-3-6 AND **DOUBLEDAY PLACE** FROM HADDON ROAD TO NORTH PROPERTY LINE OF TAX MAP 448-4-1 - SETTING PUBLIC HEARING

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to accept a Certificate of Sufficiency from the Manager of Engineering for the petition for sewer main on Haddon Road from the west property line of Tax Map 448-3-8 to the east property line of Tax Map 448-3-6 and Doubleday Place from Haddon Road to the north property line of Tax Map 448-4-1; and

To adopt a resolution setting a public hearing on Monday, February 5, 2001 to consider ordering the improvements was approved at 7:12 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: SEWER MAIN - SOUTH MIAMI BOULEVARD FROM NORTH PROPERTY LINE OF TAX MAP #577A-1-16 TO BRASSFIELD ROAD (ENABLING ACT AUTHORITY)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main improvements on South Miami Boulevard from north property Line of Tax Map #577A-1-16 to Brassfield Road under the Enabling Act Authority was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: SEWER MAIN - STADIUM DRIVE FROM ASHLEY STREET TO THE EAST PROPERTY LINE OF TAX MAP #296-4-12 (ENABLING ACT AUTHORITY)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main improvements on Stadium Drive from Ashley Street to the east property line of Tax Map

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#296-4-12 under the Enabling Act Authority was approved at 7:13 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: AMENDMENT TO CONSOLIDATED ACTION PLAN TO ALLOCATE PROGRAM INCOME - PUBLIC HEARING

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on amending the Consolidated Plan to include Community Development Block Grant and HOME Program income and on the proposed uses for the program income; and

To adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11198 HOME Consortium Program FY 1997-98"; and

Ordinance #12160

To adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11464 HOME Consortium Program FY 1998-99"; and

Ordinance #12161

To adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11765 HOME Consortium Program FY 1999-2000"; and

Ordinance #12162

To adopt a "City of Durham Grant Project Ordinance Superseding Ordinance #11764 Community Development Block Grant FY 1999-2000" was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12163

SUBJECT: CITIZENS' PARTICIPATION IN BUDGET-RELATED ACTIVITIES

To receive citizens' comments concerning the Fiscal Year 2001-2002 Budget.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mark Trustin, representing the City/County Violence Prevention Committee, distributed a handout noting there are not enough

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officers in the juvenile unit of the police department to address juvenile crime. Also, he spoke in support of additional resources for the juvenile services.

Diane Wright, representing Campaign for Decent Housing, gave an overview of the Campaign's five priorities for the upcoming budget. She highlighted the following: Maintain the current number of housing inspectors, add two inspectors to ensure that non-residential buildings are safe, assist residents who must relocate from unsafe homes for up to a year, speed up repairs for low income homeowners and contract with Spanish interpreters to assist housing inspectors.

Lorisa Seibel, Campaign for Decent Housing, urged the Council to keep housing as a priority in the budget.

Jane Volland, representing Teen Court, spoke in support of funding for the juvenile unit in the Police Department. She noted that our young people need help because they are not reaching juvenile and teen court.

Linda Hinton-Conley, representing Durham Affordable Housing Coalition, spoke in support of funding for the Campaign for Decent Housing.

Caleb Schultz, representing Habitat for Humanity, spoke in support of the Campaign's proposal and decent housing.

At this time during the meeting, Mayor Tennyson noted that the public hearing would be continued to later in the meeting because it was advertised for 7:30 p.m. instead of 7:00 p.m.

Council Member Larson noted there would be other opportunities for public input on the budget during the upcoming Coffee with Council sessions, during the public hearing in June, and during the budget deliberations with Council.

**SUBJECT: ZONING CASE: P00-66 - VALUE STORAGE LTD - 1 ACRE
LOCATED AT 5311 NC HIGHWAY 55**

Case: P00-66

Applicant: Value Storage LTD

Location: 1 acre located at 5311 NC Highway 55

Request: Rezoning from NC (Neighborhood Commercial District) to CT(D) (Commercial Trades District with a Development Plan); F/J-B.

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Mayor Tennyson noted that this public hearing was continued from the December 18, 2000 City Council Meeting.

As this was the time and place set for the public hearing, anyone

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interested was given the opportunity to be heard.

Proponent

Ron Horvath, representing the applicant, spoke in support of this item.

No one spoke in opposition to this request.

Mayor Tennyson declared the public hearing closed.

Shelia Stains-Ramp, of City/County Planning Department, responded to questions raised at the previous meeting by Council Member Blyth. She made comments about the accessory use and storage yard. Relative to storage yard, she outlined the more restricted forms of storage identified as separate uses in the ordinance and allowed in the CT zone and storage-related uses not allowed in CT but specifically identified as separate uses.

MOTION by Council Member Blyth seconded by Council Member Larson to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of NC and placing same in and establishing same as CT(D); F/J-B was approved at 7:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

**SUBJECT: ZONING CASE: P00-57 - E. T. DEVELOPMENT CORPORATION -
39.08 ACRES WEST OF FAYETTEVILLE STREET, NORTH OF PANAMA
TERRACE, SOUTH OF HANSON ROAD AND EAST OF MIMOSA DRIVE**

Case: P00-57

Applicant: E. T. Development Corporation

Location: 39.08 acres west of Fayetteville Street, north of Panama Terrace, south of Hanson Road and east of Mimosa Drive

Request: Rezoning from R-10 (Residential 10 District) and R-20 (Residential 20 District) to PDR-3.84 (Planned Density Residential District with a maximum of 3.84 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-10 and R-20 and placing same in and establishing same as PDR-3.84.

Zoning Committee's Recommendation and Vote: Denial (0-6)
(Commissioner Edwards abstained due to a stated conflict of interest)

Planning Department's Recommendation: Denial

Mayor Tennyson noted the applicant sent a letter requesting a deferral until the February 5, 2001 City Council Meeting.

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Larson seconded by Council Member Jacobs to continue the public hearing until the February 5, 2001 City Council Meeting without further advertising was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: ZONING CASE: P00-60 - CENTEX HOMES - 39 ACRES ON FARRINGTON ROAD BETWEEN TRENTON ROAD AND CHAPEL HILL ROAD

Case: P00-60

Applicant: Centex Homes

Location: 39 acres on Farrington Road between Trenton Road and Chapel Hill Road (Tax Map 797, Block 1, Lot 3 and 482, Block 1, Lot 28)

Request: Rezoning from R-20 (Residential 20 District); F/J-B, I-40 MTC to PDR 2.82 (Planned Density Residential District with a maximum of 2.82 units per acre); F/J-B, I-40 MTC

Zoning Committee's Recommendation and Vote: Approval (5-2)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, made comments about the revised school enrollment information.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Attorney Jack Markham, representing the applicant, spoke in support of the rezoning commenting on the number of lots (110), costs of homes, existing vegetation and environmental impact. Mr. Markham noted that the 3.25 acres of open space adjacent to the New Hope Creek Corridor would be dedicated to the City.

Jack Markham stated that Ron Horvath would continue to work with the Trenton Road Neighborhood to address existing drainage problems.

Opponents

David Schultz, of 4703 Chicopee Trail, spoke in opposition to the rezoning due to infrastructure issues. He expressed concern about being overtaxed when it comes to schools, roads, police and fire, water and sewer.

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Dave Rainey, of 4610 Hunters Ridge Trail, spoke in opposition to the proposal urging Council to consider the impact the development will have on the quality of life. Relative to Farrington Road, he expressed increased vehicle and safety concerns.

Martin Blazeovich, of 4522 Farrington Road, spoke in opposition expressing concern about the increase in density.

Mayor Tennyson declared the public hearing closed.

Council Member Blyth expressed concern about lots 20 and 21 causing a drainage problem and destroying the ECCO system.

Attorney Markham, representing the applicant, noted that they would delete lots 20 and 21.

Council Member Hill noted that he lives 250 yards away from the project.

Mayor Pro Tempore Clement asked the applicant if they would continue to work with residents in the area to ease impact.

Lee Bunn, representing the applicant, replied yes.

Council Member McKissick expressed concern about the reserved property near the New Hope Creek being developed and asked Attorney Jack Markham if lots 18 and 19 could be deleted.

Attorney Markham, representing the applicant, replied yes.

At this time during the meeting, Mayor Tennyson re-opened the public hearing due to arrival of citizens wanting to speak on this item.

Opponent

Debbie McCarthy, representing the Farrington HARP Neighborhood Association, spoke in opposition to the request expressing concerns based on the incompatibility factor, traffic and storm water run-off. She asked Council to consider reducing the number of housing units to 95 instead of 110.

Mayor Tennyson closed the public hearing.

Mayor Tennyson noted the proposal has changed from 110 to 106 units and the developer will submit a revised site plan deleting lots 18, 19, 20 and 21.

Council Member McKissick asked staff if there would be specific notes in the plan addressing the dedication of the land.

Norman Standerfer, City/County Planning Director, replied yes.

Council Member McKissick asked the applicant if they plan to amend the site plan indicating that the wooded area would be non-

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developable in future.

Attorney Jack Markham noted that it would be outlined on the site plan, is currently on the development plan and would be on the subdivision plat.

Ron Horvath, representing the applicant, made comments about the dedication to public use. He made comments about the dedication of open space going to the homeowners association if the City does not accept.

Council Member Blyth asked the applicant if the five spaces (4 lots along with the pond lot) would be deeded as open space.

Ron Horvath, representing the applicant, noted this is a reasonable request.

For clarification, Mayor Tennyson noted the applicant agreed to a lesser density than 2.82 PDR that results in 106 lots generally configured to avoid the areas 18, 19, pond, 20 and 21.

Assistant City Attorney Sindelar noted an additional commitment made by the applicant to dedicate the land to the homeowner's association if it's not dedicated to the city and asked the applicant if that's correct.

Ron Horvath, representing the applicant, replied yes. He noted if the City does not accept the request for dedication it will go to the homeowners.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20; F/J-B, I-40 MTC and placing same in and establishing same as PDR 2.72; F/J-B, I-40 MTC was approved at 8:26 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: Council Member Edwards. Absent: Council Member Stith.

At this time during the meeting, Mayor Tennyson asked if there were citizens present wishing to speak to GBA Item #4 [BUDGET MATTERS]. No additional citizens spoke on this item.

SUBJECT: ZONING CASE: P00-61 - ELRY AND PEGGY HOLLOWAY - .66 ACRES SOUTHWEST OF FOUNTAIN STREET AND NORTH OF ROSS ROAD

Case: P00-61

Applicant: Elry and Peggy Holloway

Location: .66 acres southwest of Fountain Street and north of Ross Road (Tax Map #598-1-7)

Request: Rezoning from R-20 (Residential 20 District) (F/J-B) to

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R-8 (Residential 8 District) (F/J-B)

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Larson to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as R-8 (F/J-B) was approved at 8:27 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: ZONING CASE: P00-77 - NEWLY ANNEXED TERRITORY - 71.7 ACRES ON THE SOUTH SIDE OF HOPSON ROAD, EAST OF DAVIS DRIVE ADJACENT TO THE RAILROAD ON THE EAST BOUNDARY OF THE SITE

Case: P00-77

City Initiated: Newly Annexed Territory

Location: 71.7 acres on the south side of Hopson Road, east of Davis Drive adjacent to the railroad on the east boundary of the site (Tax Map 584, Block 3, Lots 2, 4, 5 and 11

Request: No change in zoning classification--existing zoning is RSCH (Research Park District) and NC (Neighborhood Commercial District)

Zoning Committee's Recommendation and Vote: N/A

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish City RSCH and NC Zoning Districts for the above described newly annexed property was approved at 8:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

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SUBJECT: ZONING CASE: P00-63 - KEYSTONE CORPORATION - 71.7 ACRES ON THE SOUTH SIDE OF HOPSON ROAD BETWEEN THE EXISTING KEYSTONE DEVELOPMENT AND THE RAILROAD RIGHT-OF-WAY

Case: P00-63

Applicant: Keystone Corporation

Location: 71.7 acres on the south side of Hopson Road between the existing Keystone development and the railroad right-of-way (Tax Map 584, Block 3, Lots 2, 4, 5, and 11)

Request: Rezoning from RSCH (Research Park District) and NC (Neighborhood Commercial District) to I-2(D) (Light Industrial District with a Development Plan)

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Sharron Scroggin, representing the applicant, spoke in support of rezoning and thanked staff for their help.

No one spoke in opposition to the rezoning.

Mayor Tennyson declared the public hearing closed.

MOTION by Council Member Larson seconded by Council Member McKissick to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RSCH and NC and placing same in and establishing same as I-2(D) was approved at 8:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: PROPOSED ZONING ORDINANCE AMENDMENTS

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

a. **"An Ordinance to Amend the Zoning Ordinance to Provide for Setback Reductions for Infill Nonresidential Development and to Clarify Standards for Yards"--TC 104-00**

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed ordinance; and

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To adopt "An Ordinance to Amend the Zoning Ordinance to Provide for Setback Reductions for Infill Nonresidential Development and to Clarify Standards for Yards" was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12164

- b. "An Ordinance to Amend the Durham Zoning Ordinance to Revise the Standard for Non-Residential Development Within the PDR Zoning District"--TC 107-00**

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Revise the Standard for Non-Residential Development Within the PDR Zoning District" was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12165

- c. "An Ordinance to Amend the Durham Zoning Ordinance Section 5.5.8, Stream Buffers and Reservoir Buffers"--TC 109-00**

Zoning Committee's Recommendation: Approval

Council Member Cheek expressed a concern about the reservoir buffer text amendment.

Bonnie Estes, of City/County Planning, discussed the procedures and watershed amendments.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance Section 5.5.8, Stream Buffers and Reservoir Buffers" was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12166

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d. **"An Ordinance Amending Section 1 and Section 19 of the Durham Zoning Ordinance to Clarify the Intent of the City Council Regarding Nonconforming and Grandfathered Uses"--TC 113**

Joint City-County Planning Committee's Recommendation: Approval

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed ordinance; and

To adopt "An Ordinance Amending Section 1 and Section 19 of the Durham Zoning Ordinance to Clarify the Intent of the City Council Regarding Nonconforming and Grandfathered Uses" was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12167

SUBJECT: M00-3, MAJOR SPECIAL USE PERMIT - SHIMAR RECYCLING, 938 HARVEST STREET

Recommendation: Hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

Motion A: (Approval With or Without Conditions) - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M00-3. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council for action)

Motion B: (Disapproval) - To direct the Planning Director to prepare a decision denying the Use Permit in Case M00-3. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action).

City Clerk D. Ann Gray swore in the following individuals: Norman Standerfer, Meredith Marley and Terri Danner.

Mayor Tennyson explained the proceedings for a major special use permit hearing.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary.

Meredith Marley identified herself as a representative for Shimar Recycling.

Mayor Tennyson opened the public hearing.

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Testimony from Staff

Norman Standerfer, City/County Planning Director, briefed Council on the staff report and requested the staff report, attachments and exhibits be entered as evidence.

The Mayor asked if there were questions for staff.

There were no questions.

Testimony from Applicant

Meredith Marley, owner of Shimar Recycling, spoke in support of the major special use permit. She submitted pictures of the areas (Exhibit 1) as evidence for the record.

At this time, Council asked questions relative to the pictures.

Meredith Marley, owner of Shimar Recycling, continued her testimony noting that the facility will not adversely affect the health and safety of the public and no hazardous materials will be used at the facility.

The Mayor asked if there were questions for Ms. Marley, the owner.

Council held discussion on the distance between the site and residential area, noise, organization, hours of operation, trucks coming in and out of site, and processing materials.

Staff Recommendation

Norman Standerfer, City/County Planning Director, noted the staff recommends approval with conditions.

The Mayor closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve order granting, upon certain conditions, a Major Special Use Permit for Shimar Recycling [938 Harvest Street, Recycling Facility Case M00-3] was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Ordinance #12168

[OTHER MATTERS]

SUBJECT: ADEQUATE PUBLIC FACILITIES REPORT

Mike Shiflett recognized the members of the Adequate Public Facilities Task Force and offered the following suggestions:

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implement impact fee credit, offer economic incentive program, and future implementation of a solid waste impact fee.

Council Member McKissick announced that the Adequate Public Facilities Task Force will meet on January 31, 2001.

MOTION by Council Member McKissick seconded by Mayor Pro Tempore Clement to receive a report from the Planning Director, the Adequate Public Facilities (APF) Task Force, and the Joint City-County Planning Committee was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: REPORT CONCERNING THE ESTABLISHMENT OF A CITY POLICY CONCERNING AMENDMENTS TO ADOPTED LAND USE PLANS

Steve Boccino, of 7340 Abron Drive, noted the plans should be scrutinized by the Planning staff, public comments should be solicited and spoke in opposition to the alternative that Planning amendments be considered by the Zoning Commission at the same time of the rezoning.

Jim McDonald, of 3818 Somerset Drive, asked Council to consider amending the procedures to require a super majority when rezonings are in direct conflict with the applicable land use plan.

Council Member Blyth asked staff what is the timetable for this item to come back through Committee.

Interim City Manager Greg Bethea noted that this item would be coming back to Council during the next cycle.

Council Member Blyth spoke in support of the quarterly review process and that Council's process should be consistent with the County.

Mayor Pro Tempore Clement asked that this matter be referred back to the Committee along with citizens' comments.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report on "A Joint City-County Planning Committee Resolution Proposing a Plan Amendment Process for Rezonings in Significant Conflict with Adopted Plans - Adopted by the JCCPC on October 4, 2000" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: STREET IMPACT FEES

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MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning recommended changes to the street impact fee schedule and the proposed change in the level of service for transportation services; and

To set a public hearing on Monday, February 5, 2001 to receive citizens' comments on the proposed street impact fee changes and level of service for transportation services to "D" was approved at 9:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

SUBJECT: 2001 LEGISLATIVE PROGRAM

Council Member Larson asked that the Resolution Supporting an Intensive Rehabilitation Alternative to Incarceration Under the Habitual Felon Program (Attachment 15) be severed.

MOTION by Council Member McKissick seconded by Council Member Blyth to approve the 2001 Legislative Program as amended: Allow Establishment of Utility Districts to Fund Placement of Utility Lines Underground with the exception of the Resolution Supporting an Intensive Rehabilitation Alternative to Incarceration Under the Habitual Felon Program (Attachment 15) was approved at 9:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

Council Members Larson, Hill and Cheek spoke in opposition to the Resolution Supporting an Intensive Rehabilitation Alternative to Incarceration Under the Habitual Felon Program.

Council Member Edwards spoke in support of this item.

A motion was made by Council Member McKissick seconded by Council Member Blyth to approve this item as printed on the agenda.

A substitute motion was made by Council Member Burnette seconded by Mayor Pro Tempore Clement to refer this item to the Finance Committee.

Council Member Blyth noted that she supports the intent of the resolution.

Council Member Cheek requested information on whether or not it's routine for a person that is convicted of felony and there's evidence of substance abuse to allow as part of the sentence participation in a substance abuse program.

Council Member McKissick announced that the Legislative Breakfast will be held on Friday, January 26, 2001.

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Council Member Edwards spoke in support of referring this item to the Finance Committee.

SUBSTITUTE MOTION by Council Member Burnette seconded by Mayor Pro Tempore Clement to refer the Resolution Supporting an Intensive Rehabilitation Alternative to Incarceration under the Habitual Felon Program to the Finance Committee was approved at 9:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

I. Charter Amendments/Local Bills

1. Maintain Historic Properties.
2. Allow Photographic Images as Evidence of a Traffic Violation.
3. Adequate Public Facilities.
4. Expand Protection Against Discrimination.
5. Voter Referendum on Prepared Meals Tax.
6. Administration of Capital Facilities (Impact) Fees Program.
7. Motor Vehicle Tax.
8. Public Safety Exemption of Sensitive Records from Internet Publication.
9. Technical Corrections to City Charter.
10. Repeal Obsolete Provisions of City Charter.

II. General Law/Carryover Bills

1. Withhold Motor Vehicle License Registration Renewals for Unpaid Parking Tickets.
2. Allow Municipalities to Authorize Relief on Interest Charged on Unbilled Property Taxes Following Annexation.
3. Support Changes to ABC Laws to Give Communities Greater Control.
4. Expand Ethnic Intimidation Act.
5. Amend North Carolina Crimes Against Nature Law.
6. Clarify Authority to Require Maintenance of Commercial Buildings.
7. Registration of Rental Property.
8. Protect Tenants Against Unwarranted Rent Increases.
9. Allow Establishment of Utility Districts to Fund Placement of Utility Lines Underground.

III. Other

1. Resolution Supporting Legislation to Allow Equitable Comparison of Single-Prime Bids With Separate-Prime Bids.
2. Resolution Supporting the Legislative Proposal of Durham County for Authority for a One-Cent Increase in the Local Option Sales Tax, If Approved by the Voters of Durham County.
3. Resolution for a Moratorium on Executions.
4. Resolution Supporting the Proposal of Durham Businesses

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- Against Crime Regarding Habitual Adult Career Criminals.
5. Resolution Supporting an Increase in the Criminal Penalties for the Crime of Gasoline Larceny.

[SUPPLEMENTAL ITEM]

SUBJECT: MASTER LEASE AGREEMENT AND SUPPLEMENT FOR UPGRADE OF EMERGENCY INFORMATION SYSTEMS' AS/400 COMPUTER SYSTEMS - CITY OF DURHAM AND IBM CREDIT CORPORATION - YOREL INTEGRATED SOLUTIONS

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Master Lease Agreement and Supplement between the City of Durham and IBM Credit Corporation, through IBM's business partner Yorel Integrated Solutions, to upgrade the two Police/Fire/ Emergency Communications Center IBM AS/400s from Model 510 to Model 820 and upgrade the latest version of IBM's OS/400 operating system; and

To authorize the City Manager to enter into a Purchase Agreement with Yorel Integrated Solutions for the equipment and services referenced in the IBM Master Lease Agreement and Supplement, which includes installation and migration services provided by Yorel; and

To authorize the City Manager or his designee to sell or otherwise dispose of City-owned equipment no longer needed as a result of this upgrade; and

To authorize the City Manager to make changes to Agreements prior to execution so long as those changes are consistent with the intent of this agenda item was approved at 9:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Wagstaff. Noes: None. Absent: Council Member Stith.

There being no further business to come before the Council, the meeting was adjourned at 9:35 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk

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